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Attorneys for Plaintiff  
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALEKSANDR SURIS and  
MAXIM SVERDLOV,

Defendants.

No. CR 17-00420-SJO

GOVERNMENT'S MOTION TO DISMISS  
WITHOUT PREJUDICE COUNT FIVE OF  
THE FIRST SUPERSEDING INDICTMENT  
PURSUANT TO FEDERAL RULE OF  
CRIMINAL PROCEDURE 48(a)

Trial Date: August 6, 2019  
Trial Time: 9:00 a.m.  
Courtroom: 10C

Plaintiff United States of America, by and through its counsel of record, the Fraud Section of the Department of Justice, hereby submits its Motion to Dismiss Without Prejudice Count Five of the First Superseding Indictment ("FSI") Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure against defendants Aleksandr Suris and Maxim Sverdlov, in the interests of justice.

Federal Rule of Criminal Procedure 48(a) provides that the

1 government "may, with leave of court, dismiss an indictment,  
2 information, or complaint." Based on its assessment of witness  
3 availability during preparation for the trial set in this matter on  
4 August 6, 2019, the government has re-evaluated Count Five of the  
5 FSI. Since the FSI was filed on June 5, 2018, certain witnesses  
6 pertinent to the proof of Count Five have either passed away or  
7 become otherwise unavailable to testify due to poor health.  
8 Accordingly, the government submits that the interests of justice  
9 would be best served by dismissing Count Five without prejudice, as  
10 the government does not believe it will be able to prove defendants'  
11 guilt beyond a reasonable doubt.

12  
13 Dated: August 5, 2019

Respectfully submitted,

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16 Assistant United States Attorney  
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